

Response

Claims 2 and 18-22 are cancelled without prejudice. Claims 3-6, 9-10, 12-14, 17, and 23-25 are amended. Claims 26-32 are added. With entry of the amendments, claims 1, 3-17, 23-32 will be pending.

Claim 3 is amended to include the structure of Compound II that is disclosed at page 2 of the published application. Claims 4, 6, 12, and 14 are amended to recite specific complexing agents disclosed in the application. Support for the amendments to claims 4, 6, 12, and 14 can be found at least at paragraphs [0026] to [0029] of the published application. Claims 5 and 13 are amended to recite that the phenolic hydroxy compound is propofol. Support for the amendments to claims 5 and 13 can be found at least in original claims 5 and 13. Claims 23 and 24 are amended to remove improper claim language. Claim 25 is amended to include the structure of Compound II that is disclosed at page 2 of the published application. No new matter is added with these amendments.

RESTRICTION / ELECTION

The Examiner alleges that the application defines five separate inventions as follows:

Group I: Claims 1-17, and 23-24 (in part) covering derivatives of compound (I), methods of making the compounds, and methods of using the compounds as prodrugs or anesthetics.

Group II: Claims 1-17 and 23-24 (in part) covering derivatives of compound (II), methods of making the compounds, and methods of using the compounds as prodrugs or anesthetics.

Group III: Claims 1-17 and 23-24 (in part) covering phosphate derivative compounds which are not derivatives of compound (I) or (II), methods of making the compounds, and methods of using the compounds as prodrugs or anesthetics.

Group IV: Claims 18-22 drawn to phosphate derivatives of propofol.

Group V: Claim 25 drawn to methods of improving the bio-availability of phenolic hydroxy compounds, such as those in invention groups I, II, III and IV.

Applicants provisionally elect Group II. As the single species for search purposes, Applicants elect 2-(2,6-diisopropylphenoxy)-tetrahydropyrano-6-yl, dihydrogen phosphate, which is exemplified in Example 1. Claims 1, 3-17, and 23-32 are believed to read on this elected species. In the event that the Examiner does not find art relevant to the elected species, Applicants request that the Examiner expand the search to cover the broader genus.

Applicants submit that claim 25, as amended, should be included in Group II because unity of invention would be preserved. Claim 25, as amended, is a method of improving the bioavailability of a phenolic hydroxy compound by creating structures of Compound (II).

Should questions arise, the Examiner is encouraged to contact the undersigned by telephone at the Examiner's convenience.

Respectfully submitted,

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